1896

G. R. S. III—1] 1920.

previous reference Ch. 119-19(243)

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 182—19

FILE HEADING.

Government Sanction directing the Government Advocate to Conduct the proceedings on behalf of Government in the Chief Court against Mr. K. Ranga Iyengar. Advocate, under the Legal Practitioners Regulation.

From The Government Advocate in Mysore

No. 341 Dated 31st April 1920 Received on 6-4-1920

Diary No. 1896	Enclos.	Spare Copies.	Serial No. 5

BRIEF ABSTRACT OF LETTER.

States that Mr. Ranga Iyengar has been suspended from practice for 2 months as the result of the hearing on the 22nd March 1920 and that a copy of the order will be sent to Govt. on receipt.

NOTES AND ORDERS.

NOTES—First Sheet.

1519 (2)

G. R. S. III-2]

General and Revenue Secretariat. | Ch File No. 182 of 1919.

Serial No.

Subd for perusal.
D.M. 6/4

5510
7.4.20

III Member Sir - may I submit this document for perusal
10/4
D.M. 12/4

Chief Secy
For perusal
Dewan
D.M. 12/4

DEWAN'S OFFICE.
Recd. on APR 17 1920
Reg. No. 7179

Seen
25.4.20
Await the receipt of the copy of the order
D.M. 26.4.

Sent Pro
2/4

A copy of the order is said to have been sent from the Govt Advocate's Office; but it was not received here. In view of the order being now stale, the papers may perhaps be filed
Subd for orders
Apr 3/5

If it is not required here, the papers may be sent. The papers may be filed after the copy is received if it was sent.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

AS File No. 182 of 1919.

Serial No.	
	within one month. D. M. 8/1/21
	Submitted with a reminder. D. M. 11/1
	Issued No 9/4319. D 22-1-21.
6	From the Govt. Advocate No 230. D 26th Jan 21 forwarded a copy of the Chief Court judgment in Mr. K. Rangegodo Case. Called for perusal. 2/2/21 Dft 2/2 Nil. may be filed now D. M. 1/2

NOTE—Contn. sheet.

18199.

No. 341

Office of the Government Advocate in Mysore,

Bangalore Dated 3rd April 1920.

From

26825

The Government Advocate in Mysore,

B a n g a l o r e .

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore, B a n g a l o r e.

S I R,

With reference to Government Order No. G. 19273-4/cts. 182-19-2 dated 21st February 1920, authorising me to conduct the case against Mr. K. Ranga Iyengar, Advocate, in the Chief Court, under the Legal Practitioners' Regulation on behalf of Government, I have the honor to state that the same was heard on the 22nd March 1920 with the result that Mr. Ranga Iyengar has been suspended from practice for 2 months.

A copy of the order has been applied for and will be sent to you after its receipt.

I have the honor to be,

S I R,

Your most obedient servant,

Government Advocate.

16019

cls
182-19
6

No. 230 / Exc. / Enl.

Office of the Government Advocate in Mysore,
BANGALORE, dated the 26th January 1921.

From

The Government Advocate in Mysore,
Bangalore.

To

The Secretary to the Government of H. H.
the Maharaja of Mysore, Revenue Department.

Sir,

With reference to your letter No. G 14319/Cts. dated the 22nd January 1921, I have the honor to forward herewith a copy of the order passed by the Chief Court in the case against Mr. K. Rangiengar, Advocate, under the Legal Practitioners' Regulation.

I have the honor to be,

Sir,

Your most obedient servant,

Government Advocate.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday, the 31st day of March 1920.

Present.

Sir LESLIE C. MILLER, Kt., C.B.E., Chief Judge,

and

Mr. Justice C. S. DORASWAMI IYER.

Civil Petition No. 24 of 1919-20.

In the matter of a reference by the District Magistrate of Tumkur, received with his No. Mis. Case 83(A), dated 17th January 1920, in the case of Mr. K.Rangiengar, Advocate, under Sections 14 and 15 of the Mysore Legal Practitioners Regulation III of 1884.

Mr. Ananda Rao S. Sirsi

Heard :- Mr. K. Shankaranarayana Rao, Government Advocate, for the District Magistrate.

Messrs. A.R. Nageswara Iyer and H.V.Narayana Rao for the opponent (Mr.K.Rangiengar)

O R D E R.

The CHIEF JUDGE :-

This case raises a question under the Legal Practitioners Regulation. Mr. K. Rangiengar, an advocate of this court practising in the Tumkur District, contributed to a newspaper published in Bangalore an article or letter which was published in the paper of the 27th of August last, and which is in the following terms :-

PETITIO

o PRESTIGE IN EXCELSIS.

To the Editor of the "Karnataka".

S i r, -- I have been constantly bringing before the public and the Government of Mysore, the strange conduct and the strange behaviour, and the methods of procedure adopted by a strange magistrate in administrative and judicial matters as the Amildar of Kunigal in your widely circulated journal. Although I am quite sure and confident that our Government is not sleeping over the matter, I am certain that our Government is too slow to recognise popular feeling in regard to those whom they have chosen to lord over the Taluks; for, to punish an officer for misconduct means, with our Government, loss of prestige not only for the chosen representative of the Government but also for the Government itself. If prestige should be the only thing that our Government wants to maintain, when shall it rise to the occasion and say that such and such an officer has wronged the public?

I have written several times about the strange conduct of Mr. H. Sreenivasa Rao - this for the information of the "Busybody" - in your journal. I thought that our District Magistrate, who, as the strange gentleman under reference is saying, is in his pockets, would hold some kind of enquiry and set matters right, but unfortunately our District Magistrate is trying to save the prestige of his subordinate rather than the prestige of the public. Every case in which a responsible advocate appeared before this Magistrate was brought up before the District Magistrate for a transfer, but every application was dismissed by the

District Magistrate to save the prestige of this strange Magistrate. In one of the applications filed, through a leading advocate of this place, the petitioner went so far as to say that no lawyer in Tumkur would condescend to appear before his court. In another it was stated that he wrote in the order sheet a deliberate untruth in stating that the advocate who appeared for the accused apologised to the Court. Is it not necessary that a court should maintain public confidence? In another it was stated that he did not record a single answer put to witnesses on the ground that he was trying the case summarily. In another it was stated that an advocate was unnecessarily charged for contempt of court and an apology extracted from him. Instead of dealing out justice, the only pride of this Magistrate seems to treat the lawyer in a manner derogatory to their calling as members of the noblest profession. Has such a Magistrate any prestige in the eyes of the public and is the District Magistrate right in saving his prestige? A public servant who deliberately insults the public instead of doing service to the public has no prestige to be saved. And there is our District Magistrate trying to save his prestige. What will the Government do now?

Sd/- K. Rangiengar, B.A.,LL.B.
Tumkur.

Now that is a letter which is undoubtedly defamator; of the District Magistrate. The sentence "Every case in which a responsible advocate appeared before this magistrate was brought up before the District Magistrate for a transfer but every application was dismissed by the

District

District Magistrate to save the prestige of this strange "agistrate" alleges clearly enough that the District Magistrate dismissed the applications for transfer without regard to their merits in order to 'save the prestige' of his subordinate.

No attempt was made before us to justify this defamatory assertion: all that was argued was that we have no power to deal with the matter under the Legal Practitioners Regulation: there was some suggestion that we might even if entitled to take action under the Regulation, regard the letter as nothing but fair comment on the administration of justice by the District Magistrate, but that was not strongly pressed upon us, and the letter itself does suggest that inference. Put in the most favourable light for the advocate this portion of the letter may be paraphrased somewhat as follows : "in the face of the allegations of which samples are given the District Magistrate cannot honestly have believed that the applicants would have their cases fairly tried by the second class magistrate, and must have dismissed the applications merely to save the prestige of that officer". Obviously the conclusion is not justified even if the truth of the sample allegations be assumed.

But the case before us was not rested on justification, or fair comment: we were asked to hold that the advocate was not in publishing the letter acting in the capacity of an advocate but as a member of the public not liable to be dealt with by us under the Legal Practitioners Regulation. There is no substance in this contention in the present case. In the first place the letter is written by Mr. Rangiengar as the champion (self constituted it may be) of the lawyers of Tumkur:

he

he himself was concerned in two of the applications for transfer; and the whole complaint is really one of ill treatment of the lawyers by the second class magistrate. Every one of the sample allegations (as I have called them) with one exception relates to the treatment of lawyers, the "members of the noblest profession", by the amildar magistrate. There is no complaint of insult to any one other than a lawyer, and it would seem therefore that the 'public' who are 'deliberately insulted' by the magistrate must be the lawyers and not the lay public. It is in my opinion hopeless to contend that Mr.Rangiengar had ceased temporarily to be a lawyer when he wrote the letter under consideration. But altogether apart from these particular facts which, if of any value at all, only serve to make this case a little clearer than others of its kind, it is clear that an advocate of this court cannot by merely calling himself a layman, withdraw himself from the jurisdiction conferred upon the court by the Legal Practitioners Regulation. The Regulation is clear enough: any conduct of his which affords 'reasonable cause' for suspension or dismissal is enough to give us jurisdiction to punish him. If he wants to stand outside that jurisdiction he must cease to be a legal practitioner in fact.

It is no doubt true that Mr. Rangiengar did not write the letter in his capacity as advocate if by that is meant that he did not write it on behalf of a client, but that fact will not help him. In none of the cases in British India to which our attention was drawn is it held that no act done by an advocate otherwise than in connection with some case in which his services as a pleader are retained by a client, can afford reasonable ground for action against him under the Legal Practitioners' Act,

or the Letters Patent of the High Courts. The Pleader of Sholapur who was suspended by the Bombay High Court in 33 Bom 252 was not found guilty of an act done in his capacity of advocate in this sense, and the words of the Act or Regulation under which the High Court then acted are not wider than those of clause (f) of section 13(B) of our Regulation. In 34 Mad. 29 the gentlemen concerned were not found to have been acting on behalf of clients in any proceeding, nor was the pleader so acting in the matter which gave rise to the decision in 26 Mad. 448. In the recent case on which Mr. Nageswara Iyer most strongly relies (38 M.L.J. 230) the learned Judges recognise that misconduct otherwise than in the course of professional duty may afford reasonable ground for action against a pleader, but hold that it must be misconduct indicating that he is unfit to be a pleader; and on the facts of the case hold that that had not been shewn.

I am not sure that in that particular case I should have laid more stress on those portions of the pleader's letter which were defamatory than the learned Judges did. They seem to have treated that part of the letter as merely incidental a sort of adjunct to the main purpose of the whole which was to comment on the abuses arising out of certain circulars issued by the District Magistrate. Whether that was or was not the right way of looking at the matter does not concern us: here we have a different case and even accepting the view of the learned Judges as to what kind of misconduct ought to be proved to justify action I am of opinion that we have that kind of misconduct here.

I do not desire to attempt a definition of the kind of misconduct which may afford reasonable ground for punishing an advocate of this court under the Legal Practitioners Regulation: nor do I desire to curtail in

any way the freedom of a licensed advocate or pleader of this court to act as seems to him best in the interests of ~~justice~~ the administration of justice, whether he acts within the court or outside it. But when a practitioner has recourse to the press to defame the Judge of a court in which he practises, and to defame him in respect of decisions pronounced by him in proceedings in that court, he does an act which cannot, to my mind, be consistent with his duty as an advocate, and which can in no way tend to improve the administration of justice, but amounts to an attempt to bring it into contempt: and that is, in my opinion, an act which indicates his unfitness to be an advocate. Criticism is one thing: defamation is another: and here we have no criticism of the District Magistrate's decisions; we have only a defamatory allegation as regards his motives for pronouncing them.

I have no hesitation in holding that Mr.Rangiengar's acts in this case afford reasonable cause for the exercise by us of the powers conferred on us by the Legal Practitioners' Regulation. I do not find anything in 38 M.L.J. 230 to induce me to take a contrary view. If the expressions used there by the learned Judges are taken to indicate that in their view unless the misconduct complained of has something to do with the advocate's position in reference to the court, the Legal Practitioners Act will not apply, then that condition is clearly fulfilled here. Mr. Rangiengar is defaming the District Magistrate in respect of decisions passed against his clients as well as those of other practitioners.

Since the hearing Mr. Rangiengar has sent to the District Magistrate a letter in which he says

"I

"I have unconditionally withdrawn the passages which form the subject of the charge and regret the insertion of the same in public print".

The District Magistrate has forwarded a copy of this letter to the court and has left it to us to deal with it, without expressing any opinion of his own upon it. In my opinion it is not an apology which ought to make ~~any~~ very much difference to our decision. If it had been made at the outset, when the District Magistrate provided an opportunity, it would have carried more weight: coming as it has done after the close of the hearing and in response to a suggestion made by us, I should have expected something more unreserved and comprehensive, and not merely a withdrawal of a few passages of the letter, coupled with an expression of regret, not that the aspersions on the District Magistrate were made, but that they appeared "in public print". I do not want to be hypercritical but for so belated an apology I cannot but think Mr. Rangiengar's letter is somewhat insufficient.

I may accept the letter however as an indication that, after many days, Mr. Rangiengar is convinced that his conduct was wrong and unbecoming in an advocate of this court: and in the hope that that conviction may influence him in the future I am prepared to impose upon him a very light penalty for what in my opinion is by no means a light offence.

The penalties which the Regulation permits failing acquittal are suspension and dismissal. It is impossible to 'acquit' Mr. Rangiengar and we must either suspend or dismiss him. We cannot merely admonish him. He must

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in my opinion be suspended from practice for two months, and that will be the order of this court

(Sd) Leslie C Miller

CHIEF JUDGE.

Mr. Justice C.S. DORASWAMI IYER :-

I entirely concur and have nothing useful to add.

(Sd) C. S. Doraswami Iyer

J U D G E.

"True" copy

Deputy Registrar